

MINNESOTA OFFICE
CANADIAN PACIFIC PLAZA
120 S. 6TH ST., STE 2600
MINNEAPOLIS, MN 55402



CALIFORNIA OFFICE
600 W. BROADWAY
SUITE 3300
SAN DIEGO, CA 92101

JOSHUA J. RISSMAN
jrisman@gustafsongluek.com
TEL (612) 333-8844 • FAX (612) 339-6622
MINNESOTA OFFICE

October 19, 2022

VIA ECF

Honorable Brian M. Cogan
United States District Judge
U.S. District Court
Eastern District of New York
225 Cadman Plaza E.
Brooklyn, NY 11201

**RE: *Precision Associates, Inc., et al. v. Panalpina World Transport (Holding) Ltd., et al.*, Case No. 08-cv-00042-BMC-PK
Response to Court re: Claimant John von Terzian Request (ECF. 1556)**

Dear Judge Cogan:

Pursuant to this Court's Order dated October 6, 2022, Plaintiffs write to apprise the Court of the claimant's submission (hereinafter "Claimant") referenced in ECF No. 1556.

After receiving Claimant's submission to the Court, Interim Co-Lead Class Counsel conferred with claims administrator Epiq Class Actions & Claims Solutions, Inc. ("Epiq"), and determined that the Claimant's claim was properly denied. As recounted in the attached declaration of Michael O'Connor, formerly Epiq's vice-president, the Claimant submitted his claim on August 9, 2022, over six years after the final claim submission deadline of April 3, 2017. Declaration of Michael O'Connor, dated October 18, 2022, ¶¶ 5-6, 10. The Claimant has been kept apprised of the final claim deadline and the fact his claim was denied. *Id.* ¶¶ 5, 9. The Claimant has been treated identically to other claimants who had their late claims denied. *Id.* ¶ 13. Furthermore, following this Court's August 3, 2022, Order, the remaining settlement funds

Hon. Brian M. Cogan

Page 2

October 19, 2022

were distributed, the qualified settlement fund was terminated and the bank account for the distributions in this matter was closed. *Id.* ¶ 14. Moreover, Epiq analyzed the late claim form submitted by Claimant, and had the claim been timely filed, it would have been approved for the minimum payout, which was \$100. *Id.* ¶ 12. Accordingly, it is not only administratively infeasible, but there is also no basis to pay this Claimant.

Please let us know if we can provide further information to the Court.

Sincerely,

/s/ Joshua J. Rissman

Daniel E. Gustafson

Daniel C. Hedlund

Michelle J. Looby

Joshua J. Rissman

GUSTAFSON GLUEK PLLC

Canadian Pacific Plaza

120 South 6th Street, Suite 2600

Minneapolis, MN 55402

T: (612) 333-8844

F: (612) 339-6622

E-mail: dgustafson@gustafsongluek.com

dhedlund@gustafsongluek.com

mlooby@gustafsongluek.com

jrissman@gustafsongluek.com

W. Joseph Bruckner

Heidi M. Siltan

Craig S. Davis

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

100 Washington Avenue South, Suite 2200

Minneapolis, MN 55401

T: (612) 339-6900

F: (612) 339-0981

E-mail: wjbruckner@locklaw.com

hsiltan@locklaw.com

csdavis@locklaw.com

Hon. Brian M. Cogan

Page 3

October 19, 2022

Christopher Lovell

Benjamin M. Jaccarino

LOVELL STEWART HALEBIAN

JACOBSON LLP

500 5th Avenue, Suite 2440

New York, NY 10110

T: (212) 608-1900

F: (212) 719-4775

E-mail: clovell@lshllp.com

bjaccarino@lshllp.com

Adam J. Zapala

COTCHETT, PITRE & MCCARTHY, LLP

San Francisco Airport Office Center

840 Malcolm Road, Suite 200

Burlingame, CA 94010

T: (650) 697-6000

F: (650) 697-0577

E-mail: azapala@cpmlegal.com

Interim Co-Lead Counsel for Plaintiffs